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S E C R E T SECTION 01 OF 02 MANAMA 000989

SIPDIS

DEPT FOR NEA/FO:PDIBBLE, NEA/ARP, S/CT, INL/AE, DS/ITA,
AND DS/IP/NEA
DEPT PASS NSC FOR FRAN TOWNSEND AND NICK RASMUSSEN
JUSTICE FOR JIM REYNOLDS
CAIRO FOR STEVE BONDY
LONDON FOR ETHAN GOLDRICH

E.O. 12958: DECL: 06/22/2029

TAGS: [PTER](#) [ASEC](#) [PREL](#) [KJUS](#) [BA](#)

SUBJECT: PROSECUTION OF SEVEN BAHRAINIS ARRESTED ON
SUSPICION OF CONSPIRACY TO COMMIT TERRORIST ACTS DEPENDS ON
EVIDENCE

REF: A. MANAMA 859

- [B](#). MANAMA 837
- [C](#). MANAMA 817
- [D](#). MANAMA 802
- [E](#). MANAMA 696

Classified By: CDA Molly Williamson for reasons 1.4(b)(d).

1.(S) SUMMARY: Explaining he has no role in prosecutorial decisions, the Justice Minister advised the Charge that Bahrain's Attorney General will decide whether to pursue a more thorough investigation or release the seven Bahrainis arrested on June 22 on suspicion of conspiring to perform terrorist acts. The police have 48 hours to conduct a preliminary investigation and present the case to the Attorney General. If a trial judge agrees, the suspects could be detained for as long as six months at which time the GOB must either prosecute them or release them. The Minister predicted that political pressure could mount to release the suspects. June 23 newspapers indicate that pressure has already begun. The USG should relentlessly counter this pressure with a message that the suspects should be detained for the maximum allowable time to conduct a thorough investigation and to bring them to trial. We should also counsel the Bahrainis to insure that the defendants receive full due process rights guaranteed in Bahrain's constitution. END SUMMARY.

2.(S) Responding to Charge's question about the probability of prosecuting the seven Bahrainis arrested on June 22 under suspicion of conspiracy to commit terrorist acts, Justice Minister Jawad al Arayed said that the police have 48 hours to conduct a preliminary investigation and hand the case over to the Attorney General with intent to develop a case to prosecute or release the suspects. The clock, he indicated, began ticking on the night of June 22. The investigating prosecutor assigned to the case would then have 45 days to expand the investigation, he continued. At the conclusion of that period, the prosecutor can either bring the case to trial, or seek an additional 45 days from a trial judge to continue the investigation, the minister said. If a trial judge agrees, al Arayed confirmed, a prosecutor could detain a suspect for a maximum of six months, after which he must either release the suspect or bring the case to trial.

3.(S) Emphasizing prosecutorial independence, the Minister stated explicitly that he has no role in the prosecution decision. The investigating prosecutor will decide whether to release the suspects or take the case to court. However, the Minister noted that Bahrain's justice system is going through a transition process and many of the new prosecutors have only elementary training. None of them have much knowledge or experience in handling a sophisticated investigation of this type, he said.

4.(S) Commenting on the arrests, the Minister admitted that the GOB is aware that these seven individuals are bad guys, especially Bukhowa, who is a sophisticated gangster. They are ruthless people who are part of a global movement. We will have to deal with this issue and these people repeatedly, he commented. Some of them, the Minister continued, were arrested before, and released. Al Arayed straightforwardly commented that political pressure, along with public pressure from human rights groups, would build and could affect decision-making.

5.(U) Local newspaper coverage of the arrests extensively cited Shaikh Muhammad Salih Muhammad, who was quoted as claiming that he negotiated a deal with the government to remain in house arrest rather than experience jail detention. The press also quoted MP Shaikh Muhammad Khalid and defense lawyer Abdullah Hashim's protestations of the innocence of the seven and their complaints about lack of attorney access to the detainees. The articles quoted the wife of Yasir Kamal complaining about the behavior of the police who entered her house to arrest her husband, and photos in the

papers showed Kamal's house in disarray. On the other hand, the pro-government Arabic daily "al-Ayyam" ran a front page editorial endorsing government efforts to prevent security threats and to reinforce stability.

6.(C) UK Ambassador Lamb called advised Charge on June 22 that one of the detained individuals is a UK dual national. Lamb stated that he has no choice but to provide consular services and expressed his hope that the USG would understand his situation.

7.(S) COMMENT: In meetings leading up to the arrests, Crown Prince Shaikh Salman, Minister of State Abd al-Nabi al-Shoala, and Minister of Cabinet Affairs al-Muttawa told Charge that they recognized the problem and promised action. The next two days will test Bahrain's commitment to prevent terrorism. Political pressure to effect their release has already begun. At this point, a decision to detain the suspects to pursue an investigation would send a strong signal. Eventually prosecuting them would strengthen the message. Equally important, ensuring the defendants receive due process protections would sustain Bahrain's image on political reform and also refute international human rights organizations' allegations that the Global War on Terror is eroding human rights gains in the region. We will need to convey relentlessly our message that the GOB should aggressively pursue its investigation and prosecution these suspects while assiduously assuring they receive due process.

END COMMENT.
WILLIAMSON